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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,349	03/12/2004	David Hoerl	105479-58428 (644-053)	6376
26345	7590	06/13/2007	EXAMINER	
GIBBONS P.C.			PIZIALI, JEFFREY J	
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NEWARK, NJ 07102				
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			06/13/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

thibbits@gibbonslaw.com  
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## Office Action Summary

Application No.

10/799,349

Applicant(s)

HOERL, DAVID

Examiner

Jeff Piziali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 18 August 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The listing of references in the specification (see Page 4, Line 22) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### *Specification*

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. Claim 1 recites the limitation "said receiver" in line 12. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 15 recites the limitation "said keyboard data, and said cursor control device data" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 16 recites the limitation "said available remote computer" in line 9 and "said select remote device" in line 18. There is insufficient antecedent basis for either limitation in the claim.
8. Claims 2-14 and 17-23 are rejected under 35 U.S.C. 112, second paragraph, as being dependent upon rejected base claims.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 6-18, and 23-31 are rejected under 35 U.S.C. 102(b) as being anticipated by ***Schneider (US 6,304,895 B1)***.

Regarding claim 1, Schneider discloses a system for providing wireless monitoring and control of remote devices, said system comprising: a plurality of first transceivers [Fig. 1A; 20a-20c] each having a first wireless communications device [Fig. 1A; 50, 53] and each said first

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transceiver being coupled to a keyboard [Fig. 1A; 122], a video monitor [Fig. 1A; 120] and a cursor control device [Fig. 1A; 124] for receiving signals from said keyboard and said cursor control device; and a plurality of second transceivers [Fig. 1A; 12] each having a second wireless communications device [Fig. 1A; 53] and each said second transceiver being coupled to at least one of said remote devices for receiving video data from said remote devices and for transmitting said video data to said receiver over a wireless network (see Column 3, Line 25 - Column 6, Line 57).

Regarding claim 6, Schneider discloses said wireless network includes a wireless enabled switch [Fig. 1A; 74a] (see Column 5, Lines 1-47).

Regarding claim 7, Schneider discloses each said first transceiver includes circuitry for displaying a list of said remote devices on said video monitor (see Column 6, Lines 9-57).

Regarding claim 8, Schneider discloses each said first transceiver transmits a connection request message to one of said plurality of second transceivers in response to a user's selection from said list (see Column 3, Line 25 - Column 6, Line 57).

Regarding claim 9, Schneider discloses said connection request message includes a select channel for wireless communications between said first and second wireless communications devices over said wireless network (see Column 3, Line 25 - Column 6, Line 57).

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Regarding claim 10, Schneider discloses said list is generated by an on-screen display processor [Fig. 6; Video DSP] (see Column 13, Lines 1-67).

Regarding claim 11, Schneider discloses said list is generated by software implemented on a general purpose processor [Fig. 6; 700] (see Column 13, Lines 1-67).

Regarding claim 12, Schneider discloses said list includes information related to said remote devices (see Column 6, Lines 9-57).

Regarding claim 13, Schneider discloses said list is automatically updated with additional remote devices (see Column 14, Line 58 - Column 16, Line 57).

Regarding claim 14, Schneider discloses said video data is compressed before being transmitted by said second wireless communications device of said second transceivers (see Column 7, Lines 28-62).

Regarding claim 15, Schneider discloses said video data, said keyboard data, and said cursor control device data is encrypted before being transmitted by said first and said second wireless communications devices over said wireless network (see Column 16, Line 41 - Column 17, Line 34).

Regarding claim 16, this claim is rejected by the reasoning applied in rejecting claim 1; furthermore, Schneider discloses a method of transmitting keyboard [Fig. 1A; 122] signals, cursor control device [Fig. 1A; 124] signals and compressed video [Fig. 1A; 120] signals between a workstation [Fig. 1A; 12] connected to a video monitor a keyboard and a cursor control device and a select computer over a wireless network [Fig. 1A; 53] comprising the steps of: displaying a menu of available computers on said video monitor of said workstation (see Column 14, Lines 1-57); receiving a user request to operate a select computer from said available remote computers; transmitting a connection request message from said workstation to said select computer over said wireless network in response to said user request; transmitting video signals from said select computer to said workstation for display on said video monitor over said wireless network (see Column 7, Lines 28-62); and transmitting keyboard and cursor control device signals from said keyboard and cursor control device of said workstation to said select remote device over said wireless network (see Column 3, Line 25 - Column 6, Line 57).

Regarding claim 17, this claim is rejected by the reasoning applied in rejecting claim 13.

Regarding claim 18, this claim is rejected by the reasoning applied in rejecting claim 13; furthermore, Schneider discloses updating said menu of available remote devices automatically as said remote devices enter or leave said wireless network (see Column 14, Line 58 - Column 16, Line 57).

Regarding claim 23, this claim is rejected by the reasoning applied in rejecting claims 1 and 16; furthermore, Schneider discloses a wireless remote network management system for remotely monitoring and controlling devices comprising: a plurality of first wireless-enabled transceivers [Fig. 1A; 20a-20c] each coupled to a keyboard [Fig. 1A; 122], a video monitor [Fig. 1A; 120] and a cursor control device [Fig. 1A; 124]; a plurality of second wireless-enabled transceivers [Fig. 1A; 12] each coupled to a remote device; and a central switch [Fig. 1A; 74a] enabled for wireless communication and wired communication; wherein each said first wireless-enabled transceiver communicates keyboard and cursor control device signals from said keyboard and said cursor control device to said central switch via a first wireless network, wherein said central switch routes said signals via a second wireless network to one of said second wireless-enabled transceivers (see Column 13, Lines 1-67), wherein each said second wireless-enabled transceiver communicates video data via said second wireless network from said remote device to said central switch, and wherein said central switch communicates said video data to one of said plurality of first wireless-enabled transceivers via said first wireless network (see Column 3, Line 25 - Column 6, Line 57).

Regarding claim 24, this claim is rejected by the reasoning applied in rejecting claim 24.

Regarding claim 25, Schneider discloses each said first transceiver includes circuitry for displaying a menu of said remote devices on said video monitor (see Column 14, Line 58 - Column 16, Line 57).



Regarding claim 26, Schneider discloses each said first transceiver transmits a connection request message to the central switch and the central switch transmits the connection request message to one of said plurality of second transceivers in response to a selection from said menu (see Column 3, Line 25 - Column 6, Line 57).

Regarding claim 27, this claim is rejected by the reasoning applied in rejecting claim 10.

Regarding claim 28, this claim is rejected by the reasoning applied in rejecting claim 11.

Regarding claim 29, this claim is rejected by the reasoning applied in rejecting claim 12.

Regarding claim 30, this claim is rejected by the reasoning applied in rejecting claim 13.

Regarding claim 31, this claim is rejected by the reasoning applied in rejecting claim 14.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-5 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

***Schneider (US 6,304,895 B1)*** in view of ***Fishman (US 2003/0017826 A1)***.

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Regarding claim 2, Schneider does not expressly disclose said wireless network is an 802.11 wireless network.

However, Fishman discloses an 802.11 wireless network (see Page 1, Paragraph 9).

Schneider and Fishman are analogous art, because they are from the shared inventive field of wireless networking.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to use Fishman's 802.11 type wireless network as Schneider's wireless network, so as to provide a common and commercially popular type of wireless network for the user.

Regarding claim 3, Fishman discloses an ad-hoc wireless network (see Page 1, Paragraph 7).

Regarding claim 4, Fishman discloses an infrastructure wireless network (see Page 6, Paragraph 65).

Regarding claim 5, Fishman discloses a Bluetooth network (see Page 1, Paragraph 7).

Regarding claim 19, this claim is rejected by the reasoning applied in rejecting claim 2.

Regarding claim 20, Schneider discloses said wireless network is a peer-to-peer wireless network (see Column 1, Lines 25-58).

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Regarding claim 21, this claim is rejected by the reasoning applied in rejecting claim 4.

Regarding claim 22, this claim is rejected by the reasoning applied in rejecting claim 5.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fishman et al (US 7,117,266 B2), Ahern et al (US 6,388,658 B1), and Suzuki et al (US 5,861,960 A) are cited to further evidence the state of the art pertaining to wireless monitoring and control of remote devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali  
7 June 2007